



WEB COPY



W.P.No. 18887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.18887 of 2024
and
W.M.P.Nos. 20735 & 20736 of 2024**

S.Suvitha

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Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort.St.George, Chennai – 600 009.

2. The Director of School Education,
College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
Tiruchirapalli, Trichy – 620 008.

4. The District Educational Officer,
District Collector Office,
Trichy – 620 001.

5. The Correspondent,
Bishop Heber Higher Secondary School,
Teppakulam, Trichy – 620 002.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the order passed by the fourth respondent in his proceedings in O.Mu.No.715/A4/2023 dated 14.05.2024 and quash the same in respect of production of TET Certificate and consequently direct the respondents 1 to 4 to approve the appointment of petitioner as B.T.Assistant (Maths) and pay salary and all attendant benefits from 19.02.2019 as she was appointed before the issue of G.O.Ms.No.165 School Education Department dated 17.09.2019.

For Petitioner : Mr.V.Krishnamurthy

For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 14.05.2024, thereby returned the proposal sent by the fifth respondent for approval of appointment of the petitioner to the post of B.T.Assistant (Maths).

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as B.T.Assistant on 19.02.2019 in the vacancy arose due to retirement of one H.Sumantha in the fifth respondent School, which is an aided Christian Minority School



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under Article 30(1) of the Constitution of India. In the staff fixation order, which is fixed by the Department by taking note of the criteria to student teacher ratio in particular as on 01.08.2017 in the fifth respondent School, there were 12 vacancies of B.T.Assistant (Maths) on 01.08.2019. There were 12 vacancies and in the staff fixation order dated 01.08.2022 there were 12 vacancies. Therefore, the petitioner was appointed in a sanctioned and a vacant post in the fifth respondent School. That apart, the fifth respondent had sent a proposal to the fourth respondent on 19.03.2019 for approval and the same was returned on 30.06.2020 for some clarification. Insofar as the surplus post in B.T.Assistant (Maths) is concerned, the petitioner was appointed prior to the G.O.Ms.No.165, School Education (Elementary Education) 2(1) Department, dated 17.09.2019. Even assuming that the Government order was in force, there was no surplus post of B.T.Assistant (Maths) in the fifth respondent. In fact, the said Government order was declared as “in operation”. That apart, the Teacher Eligibility Test is not required for the appointment to the minority institutions. This issue is now pending with the Hon'ble Supreme Court of India. Insofar as the equivalent certificate is concerned, already the petitioner has annexed the equivalent certificate as per G.O.Ms.No.169 dated 26.08.2022.



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4. In view of the above, the fifth respondent is directed to resubmit the proposal for approval of the petitioner's appointment to the post of B.T.Assistant (Maths) to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the fourth respondent is directed to pass orders on the proposal as per the observations made by this Court.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

10.07.2024
(¹/₄)

Internet : Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1. The Secretary,
School Education Department,
Fort.St.George, Chennai – 600 009.

2. The Director of School Education,
College Road,
Chennai – 600 006.



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3. The Chief Educational Officer,
Tiruchirapalli, Trichy – 620 008.

4. The District Educational Officer,
District Collector Office,
Trichy – 620 001.

5. The Correspondent,
Bishop Heber Higher Secondary School,
Teppakulam, Trichy – 620 002.



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G.K.ILANTHIRAIYAN, J.

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